

**CERTIFICATION OF ADMINISTRATIVE RULES  
FILED WITH THE SECRETARY OF STATE  
BRIAN P. KEMP**

(Pursuant to O.C.G.A. §§ 50-13-3, 50-13-4 and 50-13-6.)

The Department has amended rules 290-2-1-.01, 290-2-1-.03, 290-2-1-.05, 290-2-1-.06, 290-2-1-.09, and 290-2-1-.10 and has adopted rule 290-2-1-.20 of the Rules and Regulations for Group Day Care Homes, Chapter 290-2-1.

I do hereby certify that the attached rule adoption is a true and correct copy as promulgated and adopted by Bright from the Start: Georgia Department of Early Care and Learning (Department) on the 21 st day of November, 2013.

**BRIGHT FROM THE START: GEORGIA DEPARTMENT OF EARLY CARE AND LEARNING**

**Filed:** November 22, 2013.

**Chapter 290-2-1 Group Day Care Homes**

Rule 290-2-1-.01 entitled "*Legal Authority.*", amended.

Rule 290-2-1-.03 entitled "*Definitions.*", amended.

Rule 290-2-1-.05 entitled "*Licenses, Commissions and Exemptions.*" amended.

Rule 290-2-1-.06 entitled "*Applications.*", amended.

Rule 290-2-1-.09 entitled "*Administration and Staff Requirements.*", amended.

Rule 290-2-1-.10 entitled "*Record Keeping and Reporting.*", amended.

Rule 290-2-1-.20 entitled "*Criminal Records Check.*", adopted.

**Authority:** O.C.G.A. § 20-1A-1 *et seq.*



**Bobby D. Cagle, MSW**

**Commissioner**

**Bright from the Start:**

**Georgia Department of Early Care and Learning**

**Sworn to and subscribed before me this**

12<sup>th</sup> day of December, 2013.

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(Signature of Notary Public)

(Notary Public Seal)

### **290-2-1-.01 Legal Authority.**

These rules are adopted and published pursuant to the Official Code of Georgia Annotated (O.C.G.A.) Sec. 20-1A-1 *et seq.*\*\*

Authority: O.C.G.A. § 20-1A-1 *et seq.*

### **290-2-1-.03 Definitions.**

In these rules, unless the context otherwise requires, the symbols, words and phrases set forth herein shall mean the following:\*\* \*

(a) "\*" means that the rule after which the symbol appears must be complied with prior to the issuance of an initial License or Commission and the acceptance of any children for care by the applicant for a License or Commission.\*\* \*

b) "\*\*\*" means that the rule after which the symbol appears designates those rules, or parts thereof, that an after school Group Day Care Home must meet in lieu of compliance with all of the rules, in order to obtain a restricted Group Day Care Home License or Commission to serve only school-age children.\*\* \*

(c) "Administrator" or "Director" or "Executive Officer" means the Licensee or Commission Holder or a person designated in writing by the Licensee or Commission Holder, who is responsible for the daily on-premises supervision, operation and maintenance of the Group Day Care Home.\*\* \*

(d) "Adult" means any competent individual eighteen (18) years of age or over.\*\* \*

(e) "Child With Special Needs" means a child enrolled in the Group Day Care Home who, due to a physical problem, mental health disorder, behavioral disorder or developmental disability, which is either permanent or temporary, requires some adaptation of the Group Day Care Home standard program of care or activities to accommodate the child's special needs. The special adaptations that the Group Day Care Home agrees to provide must be in writing and the result of a mutual agreement between the Group Day Care Home and the parents of the Child with Special Needs. The agreement shall be made in connection with the child's enrollment or at the time that the special need becomes apparent to the Group Day Care Home or the parents.\*\* \*

(f) "Commission" means the document issued by the Department in lieu of a License upon the request of the governing body which authorize the governing body of a local church ministry, religious nonprofit school or nonprofit religious charitable organization to operate a Group Day Care Home in compliance with these rules. The requirements to obtain a Commission under these rules shall be identical in all respects to those for obtaining a license.\*\* \*

(g) "Commission Holder" means the local church ministry, religious nonprofit school or nonprofit religious charitable organization which holds a Commission from the Department to operate a Group Day Care Home at a particular location and which is responsible for the operation and maintenance of the Group Day Care Home in accordance with these rules.\*\* \*

(h) "Correctable Abuse, Dereliction or Deficiency" means any conduct of a Licensee or Commission Holder which violates any of these rules wherein the Department determines that the rule violation is not the result of any Non-correctable Abuse Dereliction or Deficiency.\*\* \*

(i) "Crime" means

1. Any felony;
2. A violation of O.C.G.A. Section 16-5-23, relating to simple battery, where the victim is a minor;
3. A violation of O.C.G.A. Section 16-5-23.1, relating to battery, where the victim is a minor;

4. A violation of O.C.G.A. Section 16-21-1, relating to contributing to the delinquency of a minor;

5. A violation of O.C.G.A. Section 16-6-1 et seq., relating to sexual offenses;

6. A violation of O.C.G.A. Section 16-4-1, relating to criminal attempt when the crime attempted is any of the crimes specified by this paragraph; or

7. Any other offenses committed in another jurisdiction which, if committed in this state, would be one of the enumerated crimes listed in this paragraph.

. \*\* \*

(j) "Criminal record" means: \*\* \*

1. Conviction of a crime; or \*\* \*

2. Arrest, charge, and sentencing for a crime where: \*\* \*

(i) A plea of nolo contendere was entered to the charge; or \*\* \*

(ii) First offender treatment without adjudication of guilt pursuant to the charge was granted; provided, however, that this division shall not apply to a violation of O.C.G.A. Sec. 16-13-1 *et seq.*, relating to controlled substances, or any other offense committed in another jurisdiction which, if it were committed in this state, would be a violation of O.C.G.A. Sec. 16-13-1 *et seq.* if such violation or offense constituted only simple possession; or \*\* \*

(iii) Adjudication or sentence was otherwise withheld or not entered on the charge; provided, however, that this division shall not apply to a violation of O.C.G.A. Sec. 16-13-1 *et seq.* relating to controlled substances, or any other offense committed in another jurisdiction which, if it were committed in this state, would be a violation of Chapter 13 of Title 16 if such violation or offense constituted only simple possession; or \*\* \*

3. Arrest and being charged for a crime if the charge is pending, unless the time for prosecuting such crime has expired pursuant to O.C.G.A. Sec. 17-3-1 *et seq.* \*\* \*

(k) "Department" means Bright from the Start: Georgia Department of Early Care and Learning. \*\* \*

(l) "Employee" means any person, other than the Director or a Provisional Employee, who is 17 years of age or older; and

1. Who is employed by a Group Day Care Home to perform any duties which involve personal contact between that person and any child being cared for at the Group Day Care Home; or

2. Who resides at the Group Day Care Home; or

3. Who performs duties for the Group Day Care Home, with or without compensation, which involve personal contact between that person and any child being cared for by the Group Day Care Home, including but not limited to volunteers that perform consistent services for the Group Day Care Home; or

4. Who is employed by a Group Day Care Home and who also has a child in care at the Group Day Care Home; or

5. Who is an independent contractor hired by the Group Day Care Home to offer consistent supplemental educational or physical activities for children in care; or

6. Who is a Student-in-Training. \*\*\*

(m) "Employment History" means a record of where a person has worked for the past 10 years. \*\* \*

(n) "Evening care" means care provided to children at a Group Day Care Home between the hours of 7:00 p.m. and 12:00 midnight. \*\* \*

(o) "Field Trip" means an excursion or program activity with a specific destination away from the Group Day Care Home. It does not include routine school or home pick-up and deliveries or transporting children to and from activities or events where the provider of the activities or the events assume responsibility for the children during the entirety of the event or activity, such as in dance classes or art lessons or regularly scheduled trips to the local public libraries. \*\* \*

(q) "Fingerprint" means an inked fingerprint card or an electronic image of a person's fingerprint. \*\* \*

(r) "Fingerprint Records Check Application" means a document created by the Department to be completed and submitted to the Department by every actual and potential Director and Employee that indicates the individual's name, center type, and such other information as the Department deems appropriate and which authorizes the Department to receive and render a Fingerprint Records Check Determination pursuant to any criminal history record information pertaining to the individual from any local, state or national criminal justice or law enforcement agency. \*\* \*

(s) "Fingerprint Records Check Determination" means a satisfactory or unsatisfactory determination made by the Department based upon national criminal history record information obtained by the use of Fingerprints. \*\* \*

(t) "Group" means a specific number of children assigned to specific staff throughout the day. More than one Group may occupy the same physical space. \*\* \*

(u) "Group Day Care Home" means any place operated by any person(s), partnership, association or corporation wherein are received for pay for group care not less than seven (7) nor more than eighteen (18) children under eighteen (18) years of age for less than twenty-four (24) hours without transfer of legal custody and which is required to be licensed or commissioned by the Department. \*\* \*

(v) "Infant" means any child who is under twelve (12) months of age or any child who is under eighteen (18) months of age and who is not yet walking. \*\* \*

(w) "License" means the document issued by the Department to authorize the Licensee to whom it is issued to operate a Group Day Care Home under these rules. The requirements to obtain a License under these rules shall be identical to those for a Commission. \*\* \*

(x) "Licensee" means the person, partnership, association, corporation or agency licensed by the Department to operate a Group Day Care Home at a particular location and having responsibility for the operation and maintenance of the Group Day Care Home in accordance with these rules. \*\* \*

(y) "Nighttime care" means care provided to children at the Group Day Care Home between the hours of 12:00 midnight and 6:00 a.m. \*\* \*

(z) "Non-correctable Abuse, Dereliction or Deficiency" means an abuse, dereliction or violation of these rules which demonstrates any of the following:

1. Flagrant and shocking intentional misconduct by the Licensee or Commission Holder or Group Day Care Home Staff where the Licensee or Commission Holder knew or should have known of the likelihood of Staff to commit such acts; \*\* \* or

2. An intentional or reckless disregard for the physical health, mental health or the safety of a child in care which may or may not result in physical injury to the child by the Licensee or Commission Holder or the Group Day Care Home Staff where the Licensee or Commission Holder knew or should have known of the likelihood of Staff to disregard; \*\* \* or

3. Some causal connection between the intentional violation of a rule and the death or major injury of a child in care; \*\* \* or

4. An intentional disregard of a particular rule(s) which related directly to the health or safety of a child in care where the Licensee or Commission Holder has previously been cited for noncompliance with the particular rule(s) within the past twelve (12) months and has failed to sustain the remedial action(s) set forth in a previous plan of correction within that twelve-month period. \*\* \*

(aa) "Parent" means a person related within the second degree of consanguinity by either blood or marriage, or a person with lawful custody, or a state-regulated foster parent, or a legal guardian of a child in care. For purposes of these rules, a Parent who does not perform consistent services for the Group Day Care Home shall not be considered an Employee.

Group Day Care Home.\*\* \*

(bb) "Personnel" or "Staff" means all persons including the Director, all full or part time Employees and volunteers and Provisional Employees, who perform consistent services for the Group Day Care Home and have direct or indirect contact with children at the Group Day Care Home.

\*\* \*

(cc) "Plan of Correction" means a written plan prepared by the Director submitted to and approved by the Department which states the procedure(s), method(s) and time frame that will be used by the Licensee or Commission Holder to correct the area(s) of noncompliance with these rules.\*\* \*  
"Preliminary Records Check Determination" means a written satisfactory or unsatisfactory determination by the Group Day Care Home based upon an examination of Georgia Crime Information Center (GCIC) information (such as that found on a RAP sheet) obtained solely from a law enforcement agency.\*\* \*

.\*\* \*

(dd) "Preliminary Records Check Determination" means a written satisfactory or unsatisfactory determination by the Group Day Care Home based upon an examination of Georgia Crime Information Center (GCIC) information (such as that found on a RAP sheet) obtained solely from a law enforcement agency.\*\* \*

(ee) "Provisional Employee" means a person other than the Director or Employee, who has received a satisfactory Preliminary Records Check Determination, whose duties involve personal contact between that person and any child being cared for at the facility, and who is hired for a limited period of employment in accordance with these rules. \*\* \*

(ff) "Qualified" or "Qualifications" means that a person possesses, in addition to the other requirements set forth in these rules, certain minimum personal and health requirements necessary to administer or be employed in a Group Day Care Home. A person may be considered by the Department to be Qualified with respect to the minimum personal and health criteria when he or she: has a Satisfactory Records Check Determination; is not suffering from a physical or mental condition which would interfere with the person's ability to perform adequately the job duties of providing for the care and supervision of the children enrolled in the Group Day Care Home in accordance with these rules; has not made any material false statements relating to any licensure requirement to the Department or the Licensee or Commission Holder; and has not been shown by credible evidence, e.g. a finding of fact made by a court, jury or department investigation or other reliable evidence, to have abused, neglected, or deprived a child or adult or to have subjected any person to serious injury as a result of intentional or grossly negligent misconduct.\*\* \*

(gg) "Qualifying Experience" means verifiable experience working directly with children.\*\* \*

(hh) "Satisfactory Records Check Determination" means a written determination that a person for whom either a preliminary or a fingerprint records check was performed was found to have no Criminal Record as defined in these rules.\*\* \*

(ii) "School-age Children" means children who are at least five (5) years old by the first of September of the current school year and who are eligible to attend public school.\*\* \*

(jj) "School-age Group Day Care Home" means a Group Day Care Home, or part thereof with separate facilities and a separate license, which provides day-time care exclusively to School-Age Children before and/or after the normal school day. Such programs may operate a full-day program solely during the regular school year during those periods when school is not in session. A School-Age Group Day Care Home shall be eligible to receive a restricted Group Day Care Home License or Commission and must meet only those rules after which the symbol, "\*\*\*", appears.\*\* \*

(kk) "Students-in-Training" means students enrolled in an educational course of study which requires or permits them to observe and participate in the care of children at a Group Day Care Home during a limited period of time, e.g. one quarter, one trimester or on semester, provided that they are under the direct supervision of Group Day Care Home personnel at all times. Sixteen-year-old or younger Students-in-Training are exempt from criminal record check requirements.\*\* \*

(ll) "Supervision" means that the appropriate numbers of staff members are physically present in the area where children are being cared for and are providing watchful oversight to the children, chaperons, volunteers, Students-in-Training and other individuals that are not to be solely responsible for children in care. The persons supervising in the child care area must be alert, able to respond to the needs and actions of the children being supervised, as well as the actions of the chaperons, volunteers, Students-in-Training, and other individuals that are not to be solely responsible for children in care, and provide timely attention to the children's actions and needs.\*\* \*

(mm) "Unsatisfactory Records Check Determination" means a written declaration that a person for whom either a preliminary or a fingerprint records check was performed was found to have a Criminal Record as defined in these rules.\*\* \*

Authority: O.C.G.A. § 20-1A-1 *et seq.*

### **290-2-1-.05 Licenses, Commissions and Exemptions.**

No person, partnership, association, corporation or entity shall operate a Group Day Care Home in the State without having first obtained a License or Commission to operate the Group Day Care Home by demonstrating compliance with the necessary requirements set forth in these rules.\*\* \*

(a) **Licenses and Commissions.** The Department may issue a temporary License or temporary Commission, a restricted License or restricted Commission, or a continuing License or continuing Commission in accordance with these rules.\*\* \*

1. **Temporary License or Commission.** The Department may in its discretion issue a temporary License or temporary Commission if the health and safety of the children to be served by the Group Day Care Home will not be endangered. A temporary License or Commission will be valid for a specified period not to exceed one (1) year and may be issued in the following instances:\*\* \*

(i) When it is found that a Group Day Care Home complies with all of the rules which have the "\*" designation but has not yet enrolled children; or\*\* \*

(ii) When the Group Day Care Home is not in full compliance with the rules but has demonstrated satisfactory evidence that it is making progress toward meeting these rules and has submitted an acceptable plan of correction.\*\* \*

2. **Restricted License or Commission.** The Department may in its discretion issue a restricted License or Commission in lieu of a temporary or regular License or Commission. The restricted License or Commission may be granted either in connection with the initial application process for a License or Commission or as a result of a subsequent determination made by the Department concerning compliance with these rules. The restriction shall appear on the face of the License or Commission and shall restrict a Group Day Care Home from providing care or services which are beyond the capability of the Licensee or Commission Holder to provide. The restriction may also limit the number and/or age of the children served by the Group Day Care Home.\*\* \*

3. **License or Commission.** A License or Commission will be issued upon presentation of evidence satisfactory to the Department that the Group Day Care Home is in compliance with

applicable statutes and these rules. The License or Commission remains invalid for one year unless voluntarily surrendered by the Licensee or Commission Holder, reduced to a restricted or temporary License or Commission or suspended or revoked by the Department.\*\* \*

**(b) Qualifications Requirement.** In order to obtain or retain a License or Commission to operate a Group Day Care Home, the Director, Employees and Provisional Employees of the Group Day Care Home must be suitable, as defined in these rules, to administer or work in a Group Day Care Home. The Department may require additional reasonable verification of the qualifications of the Director, Employees and Provisional Employees of a Group Day Care Home either at the time of application for a License or Commission or at any time during the License or Commission period whenever the Department has reason to believe that a Director, Employee or Provisional Employee is not qualified to administer or work in a Group Day Care Home.\*\* \*

1. Reasonable verification which may be required by the Department may include, but need not be limited to any of the following: statement(s) from an attending physician or other health care professionals attesting to the mental and/or physical health of the applicant and/or staff member; letters of reference from designated persons in the community where the applicant and/or staff member intends to work, certified copies of court orders and additional Criminal Records checks.\*\* \*

**(c) License or Commission is Non-transferable.** A License or Commission to operate a Group Day Care Home is not transferable in any way. Each License or Commission shall be returned to the Department immediately upon the suspension, revocation, restriction of the License or Commission or termination of the operation.\*\* \*

**(d) Renewal of License or Commission.** A License or Commission will be renewed upon the filing of a completed annual report and a determination by the Department that the Licensee or Commission Holder presents satisfactory evidence of meeting the standards set forth in these rules and other applicable laws.\*\* \*

**(e) Exemptions.** Anyone operating or desiring to provide a service believed to be exempt from licensure shall apply to the Department for exemption by submitting a written description of services, fees, ages of children to be served, hours, days and months of operation and location, a copy of written policies, advertisements, parental agreement forms and other materials to support the criteria for exemption. The exemptions granted by the Department are exemptions from licensure and do not affect the authority of local, regional or state health department officials, the state fire marshal or local fire prevention officials to inspect facilities. These rules shall not apply to the following kinds of programs providing care to children:

1. Specialized day care centers that are qualified to furnish care and training to developmentally disabled individuals and have been granted a certificate of approval as provided for in O.C.G.A. Sec. 37-6-6.

2. Programs for children five (5) years and older which operate solely for educational purposes with an established curriculum during the school term for the customary seven (7) hour school day.

3. A facility operated by a local school on school board property for children five (5) years and older before and after the customary seven (7) hour day during the regular school term.

4. Nursery schools, playschools, kindergartens or other educational programs for children two (2) years through six (6) years of age which operate for no more than four (4) consecutive hours per day.

5. Mother's Morning Out or similar programs which operate for no more than four (4) consecutive hours per day for no more than two (2) days per week or which limit attendance to no more than eight (8) hours per week per child.

6. Any short-term baby-sitting service provided by an establishment, e.g. church, health club, bowling lanes, etc., on its premises to children for the convenience of their parents who are participating in activities being provided by the establishment. No child shall be permitted to remain in the establishment's baby-sitting facility for more than four (4) hours per day and eight (8) hours per week. This exemption does not apply to programs operated by an organization for its employees or registered students.

7. Drop-in recreation programs where the children are free to come and go from the premises without being escorted by a parent or responsible person and short-term educational programs or classes for children in which the supervision and care of the children are incidental to their participation in the activity or training in specific subject(s) such as music, dance, religion, etc. and the program provider is not assuming responsibility for the provision of daily child care outside the scheduled program.

8. Day camping programs for children five (5) years and older which have as the primary emphasis outdoor education and recreation and are operated between school terms for no more than seven (7) hours per day or which are accredited by the American Camping Association or other national standard-setting agency or church camp accreditation programs, which must provide standards equivalent to the American Camping Association standards.

9. Child welfare agencies and other facilities and institutions wherein children and youths are detained which are operated by any department, or agency of state, county or municipal government.

(f) **E-mail Contact Information.** Each Group Day Care Home licensed in the state of Georgia shall provide the Department e-mail contact information ("Contact Information") so that this agency may contact the Group Day Care Home and send information to the Group Day Care Home via e-mail. It shall be the Group Day Care Home's responsibility to maintain correct contact information, to update the Department if contact information changes, and to respond timely to information requests from the Department transmitted to the provided e-mail address. Delivery of any such information, including but not limited to directives, bulletins, data requests, notices of proposed amendments to rules and regulations, and any other matters affecting Group Day Care Homes, to said e-mail address shall be considered valid so long as the Department does not receive a failure to deliver message.

1. All currently licensed Group Day Care Homes shall supply the Department with an email address by June 1, 2009 on forms provided by the Department. All applicants for licensure shall submit a valid e-mail address to the Department at the time of application on forms provided by the Department.

Authority: O.C.G.A. § 20-1A-1 *et seq.*

### **290-2-1-.06 Applications.**

An application for a License or Commission to operate a Group Day Care Home shall be submitted to the Department on the forms provided by the Department\*\* \*

(a) **Applicant Defined.** The individual completing the application for a License or Commission shall be competent and at least eighteen (18) years of age\*\* \*

1. When the Group Day Care Home is owned by a sole proprietorship, the individual proprietor shall apply for the License or Commission, complete the statement of responsibility and serve as the Licensee or Commission Holder;\*\* \*

2. When the Group Day Care Home is owned by a partnership, the general partners shall apply for the License or Commission, complete the statement of responsibility and serve as the License or Commission Holder;\*\* \*



3. When the Group Day Care Home is owned by an association, the governing body of the association shall authorize the application for the License or Commission and complete the statement of responsibility and the association shall serve as the Licensee or Commission Holder; \*\* \*

4. When the Group Day Care Home is owned by a corporation, the governing body of the corporation shall authorize the application for the License or Commission and complete the statement of responsibility and the corporation shall serve as the Licensee or Commission Holder \*\* \*

(b) **Application.** Prior to submitting an application for a License or Commission, an applicant shall attend an orientation of no more than 16 hours that has been approved by the Department. This orientation shall, at a minimum, provide instruction on the application process and give an overview of the Department's regulations that relate to the operation of a Group Day Care Home.

1. A current Licensee or Commission holder applying for a Group Day Care Home License or Commission at another location is not required to attend another orientation within two years of the successful completion of a prior orientation that meets the above requirements.

2. An applicant applying for multiple Group Day Care Home Licenses or Commissions at one time is only required to attend one such orientation.

(c) **Director's Training.** Prior to the issuance of an initial License or Commission, the Director of a Group Day Care Home responsible for its day-to-day operations shall have completed a 40-hour director's training course that has been approved by the Department. At a minimum, the subject matter taught at a director's training course shall cover the areas of administrator competencies that serve as a framework for professional development, which include, but are not limited to, early learning standards, business management, communication, developmentally appropriate practices, professional and leadership development, and advocacy for the center, parents, children and staff.

(d) **Fingerprint-based Criminal Records Check Required.** The Director and Employees of a Group Day Care Home must submit to a Fingerprint-based Records Check or provide evidence of a valid Satisfactory Records Check Determination in connection with any application for a License or Commission. \*\* \*

1. **Evidence of Satisfactory Fingerprint Records Check.** Before a License or Commission to operate a Group Day Care Home may be issued there shall be on file with the Department: \*\* \*

(i) A satisfactory Fingerprint Records Check Determination for the Director; and \*\* \*

(ii) a satisfactory Fingerprint Records Determination for each Employee.

\*\* \*

2. **Ongoing Requirements.** Before a person may become a Director or an Employee in a licensed or commissioned Group Day Care Home, the holder of the License or Commission shall cause the person to be employed to submit a Fingerprint Records Check Application to the Department \*\* \*

(i) No person having an Unsatisfactory Records Check Determination as to his or her Criminal Record may be a Director, Employee or Provisional Employee of a licensed or commissioned Group Day Care Home. \*\* \*

3. **Penalties.** A License or Commission is subject to suspension or revocation and the Department may refuse to issue a License or Commission if a Director, Employee or Provisional Employee does not undergo the records checks applicable to that person and receive a satisfactory determination. A Director of a Group Day Care Home having an Employee or Provisional Employee whom that director knows, or should reasonably know, to have a Criminal Record shall be guilty of a misdemeanor. \*\*

(e) **Amended License or Commission.** If there is to be a change in the name of the program or Group Day Care Home, changes in the ages of the children to be served, an increase in the

regular hours of operation such that the Group Day Care Home would be providing evening or nighttime care in addition to daytime care, changes in the services provided, additions to or changes in the use of the building by the licensed or commissioned Group Day Care Home, an application for an amended License or Commission shall be submitted at least thirty (30) days prior to the change, except in the case of an emergency. If an emergency situation arises which makes it impossible to give thirty (30) days notice, the management of the Group Day Care Home shall notify the Department by telephone and shall submit an application for an amended License or Commission as soon as management becomes aware of the change that will be necessitated by the emergency situation. \*\* \*

1. In no case, however, shall a new owner operate the Group Day Care Home without first securing a new License or Commission from the Department. \* \* \*

(f) **Separate License or Commissions.** A separate License or Commission application is required for each address or location at which a Group Day Care Home is proposed to be operated even when all of the proposed Group Day Care Homes are owned by the same person or entity. A separate License or Commission is also required for each Group Day Care Home operated at a single location by different persons or entities. \*\* \*

(g) **Notice of Denial.** If the Department determines that the applicant does not comply with these rules and determines that the issuance of a temporary or restricted License or Commission is not appropriate, the Department will provide a written notice of the denial of licensure or commission and the opportunity for a hearing to the applicant. \*\*

(h) **False or Misleading Information.** The application for a License or Commission, including the application for a criminal records check must be truthfully and fully completed. In the event that the Department has reason to believe that the application has not been completed truthfully, the Department may require additional verification of the facts alleged. The Department may refuse to issue a License or Commission where false statements have been made in connection with the application or any other documents required by the Department. \*\* \*

(i) **Designation as Licensed or Commissioned.** No Group Day Care Home shall claim to be a licensed or commissioned Group Day Care Home unless it has been issued a current and valid License or Commission by the Department. \*\* \*

Authority: O.C.G.A. § 20-1A-1 *et seq.*

#### **290-2-1-.09 Administration and Staff Requirements.**

If the holder of the License or Commission is not an individual serving as the actual Director of the Group Day Care Home, the holder of the License or Commission shall appoint and identify to the Department in writing a Director who shall be responsible for the day-to-day operation and management of the Group Day Care Home. \*\* \*

(a) If the Director is absent from the Group Day Care Home at any time during the hours of operation, there shall be an officially designated person on the Group Day Care Home site to assume responsibility for the operation of the Group Day Care Home and who shall have full access to all records required to be maintained under these rules. \*\* \*

(b) **Staffing Requirements for Director.** The Director of a Group Day Care Home hired after the effective date of these rules must meet the following minimum requirements throughout employment: \*\* \*

1. Never have been shown by credible evidence, e.g. a court or jury, a department investigation or other reliable evidence to have abused, neglected or deprived a child or adult or to have subjected any person to serious injury as a result of intentional or grossly negligent misconduct. The Department may request an oral or written statement to this effect at the time of application

or at any other time. Upon said request, the Director shall provide this statement to the Department; \*\* \*

2. Be at least twenty-one (21) years of age; \*\* \*

3. Have current evidence of successful completion of a biennial training program in cardiopulmonary resuscitation (CPR) and a triennial training program in first aid provided by certified or licensed health care professionals and which covers the provision of emergency care to infants and children if no other full-time staff member has such current evidence; \*\* \*

4. Not be suffering from any physical or mental health disorder that would interfere with the applicant's ability to perform adequately the job duties of providing for the care and supervision of the children enrolled in the Group Day Care Home in accordance with these rules; \*\* \*

5. Have a Satisfactory Records Check Determination; \*\* \*

6. Participate in the orientation and training required by these rules; \*\* \*

7. Not have made any material false statements concerning qualifications requirements either to the Department or to the proposed or current Licensee or Commission Holder; \*\* \*

8. Meet one of the following sets of minimum academic requirements and qualifying child care experiences at the time of employment. (Note: The educational qualifications contained in 290-2-1-.09(b)8. will remain in effect through November 30, 2012. These requirements will change effective December 1, 2012, and the new education and qualifying child care experiences for Directors are listed in 290-2-1-.09(b)9.(i) through (xiii)):\*\* \*

(i) High school diploma or general education diploma (G.E.D.), or\*\* \*

(ii) One year of qualifying child care experience as determined by the Department; and\*\* \*

9. Effective December 1, 2012, the qualifications listed in 290-2-1-.09(b)8. above will no longer be valid. Effective December 1, 2012, and thereafter, all Directors must possess at least one of the following sets of minimum academic requirements and qualifying child care experience at the time of employment:

(i) Child Development Associate (CDA) credential issued by the Council for Professional Recognition; Child Development and Related Care diploma from a vocational institute accredited by the Commission on Colleges of the Southern Association of Colleges and Schools; or similar credential where the course of study includes an intensive practicum in child care as part of the curriculum and which is approved by the Department; and six (6) months of qualifying child care experience;

(ii) Technical Certificate of Credit (TCC) in Early Childhood Education or Child Development and six (6) months of qualifying child care experience;

(iii) Technical Certificate of Credit (TCC) in Infant and Toddler and six (6) months of qualifying child care experience;

(iv) Technical Certificate of Credit (TCC) in Program Administration and six (6) months of qualifying child care experience;

(v) Technical Certificate of Credit (TCC) in School Age and Youth Care and six (6) months of qualifying child care experience;

(vi) Technical College Diploma (TCD) in Early Childhood Education or Child Development and six (6) months of qualifying child care experience;

(vii) Forty-hour (40) director training course approved by the Department and has been employed for a minimum of five (5) years as an on-site Group Day Care Home Director or as an on-site child care learning center director;

(viii) Associate's degree in Early Childhood Education or Child Development and six (6) months of qualifying child care experience;

(ix) Paraprofessional Certificate issued by the Georgia Professional Standards Commission and six (6) months of qualifying child care experience;

(x) Twenty-five (25) quarter hours or fifteen (15) semester hours from an accredited college or university in Early Childhood Education or Child Development and six (6) months of qualifying child care experience;

(xi) Bachelor's degree from an accredited college or university in a field other than Early Childhood Education or Child Development and three (3) months of qualifying child care experience;

(xii) Bachelor's degree from an accredited college or university in Early Childhood Education or Child Development;

(xiii) Master's degree from an accredited college or university in Early Childhood Education or Child Development;

10. Effective December 1, 2012, a copy and/or written verification of the credential or degree awarded to the Director by the technical college, university, school or Department-approved trainer listed in 591-1-1-.31(1)(b)3.(i) through (xiii) shall be maintained by the Group Day Care Home in the Director's file, and such documentation shall be available for inspection and provided to Department staff upon request.

(c) **Staffing Requirements for Additional Caregivers.** To meet the staff: child ratios required by these rules, the Director of the Group Day Care Home may employ additional caregivers who shall meet the following minimum requirements:\*\* \*

1. Never have been found by credible evidence, e.g. a court or jury, a department investigation or other reliable evidence to have abused, neglected or deprived a child or adult or to have subjected any person to serious injury as a result of intentional or grossly negligent misconduct. The Department may request an oral or written statement to this effect at the time of application or at any other time. Upon said request, the caregiver or Employee shall provide this statement to the Department; \*\* \*

2. Be at least eighteen (18) years of age; \*\* \*

3. Have current evidence of successful completion of a biennial training program in cardiopulmonary resuscitation (CPR) and a triennial training program in first aid provided by certified or licensed health care professionals and which covers the provision of emergency care to infants and children if no other full-time staff member is present on the premises with the required training; \*\* \*

4. Not be suffering from any physical or mental handicap that would interfere with the person's ability to perform assigned job duties adequately and in accordance with these rules; \*\* \*

5. Have a Satisfactory Records Check Determination; \*\*

6. Have either a high school diploma or general education diploma (GED) or three (3) months qualifying child care experience as determined by the Department if hired after the effective date of these rules; \*\* \*

7. Participate in the orientation and training required by these rules; and\*\* \*

8. Not have made any material false statements concerning qualifications requirements either to the Department or to the Licensee or Commission Holder or Director.\*\* \*

(d) **General Staffing Requirements.** The Group Day Care Home shall have qualified and sufficient direct-care, clerical, housekeeping and maintenance employees to insure full compliance with these rules without neglecting the supervision of the children. Staff shall supervise all independent contractors, volunteers, chaperons and students in training whenever they are in the presence of children. The Group Day Care Home staffing policies shall comply with the following:\*\* \*

1. **Contagious Diseases.** Staff or persons residing in the Group Day Care Home or any other person being supervised by the staff, shall not be allowed in the Group Day Care Home areas where children are being cared for who knowingly have, or present symptoms of a fever or diarrhea.\*\* \*

2. **Smoking Limited.** Staff or persons residing in the Group Day Care Home or other persons shall not smoke or use tobacco except in designated enclosed rooms or areas which are totally separated from the child care areas either within Group Day Care Home premises, on the home's playgrounds or on any vehicle being used to transport children during the hours that the Group Day Care Home is in operation.\*\* \*

3. **Use of Prohibited Substances.** Staff, chaperons and Students-in-Training shall not be under the influence of or consume alcohol, marijuana or other controlled substances on the Group Day Care Home premises during the hours of operation or at any other time or place where there are children present for whom the Group Day Care Home staff is responsible.\*\* \*

4. **Assignment of Employees.** Staff with diaper changing responsibilities shall not be simultaneously assigned to kitchen food preparation duties.\*\* \*

5. **Work Schedules.** Staff shall not regularly be scheduled to perform child care duties for more than twelve (12) hours within any twenty-four (24) hour period.\*\* \*

6. **Provisional Employees.** The Group Day Care Home may hire Provisional Employees.\*\* \*  
All Provisional Employees:

(a) Must be at least eighteen (18) years of age; \*\* \*

(b) Must be informed of the rules for Group Day Care Homes and the Group Day Care Home policies and procedures for the age group for which they will be providing care;\*\* \*

(c) Must be informed of the Group Day Care Home's policies and procedures necessary to the proper performance of their job duties in compliance with these rules;\*\* \*

(d) Must have current evidence of successful completion of a biennial training program in cardiopulmonary resuscitation (CPR) and a triennial training program in first aid provided by certified or licensed health care professionals and which covers the provision of emergency care to infants and children if the caregiver is the only Personnel or Staff on the premises or filed trip;\*\* \*

(e) Must participate in the orientation and training required by these rules;\*\* \*

(f) Must not be suffering from any physical handicap, mental health disorder or developmental disability that would interfere with the person's ability to perform assigned job duties adequately and in accordance with these rules;\*\* \*

(g) Must never have been shown by credible evidence, e.g., a court or jury, a department investigation or other reliable evidence to have abused, neglected or deprived a child or adult or to have subjected any person to serious injury as a result of intentional or grossly negligent misconduct. The Department may request an oral or written statement to this effect at the time of application or at any other time. Upon said request, the Provisional Employee shall provide this statement to the Department;\*\* \*

(h) Must have a satisfactory Preliminary Criminal Records Check Determination as determined by the Director based on Georgia Crime Information Center (GCIC) information (such as that found on a RAP Sheet) obtained only from local law enforcement that was issued by the law enforcement agency within the immediate preceding 10 days of the hire date on file;\*\* \*

(i) Must not have made any material false statements concerning qualifications requirements either to the Department or to the proposed or current licensee or commission holder;\*\* \*

(j) May be hired for one period of provisional employment for up to 21 consecutive calendar days. This 21 day provisional employment period may be extended until the Department issues a Records Check Determination only if the individual:

1. Submitted for a Fingerprint Records Check Determination by the Department within the 21 calendar days of provisional employment;\*\* \*and

2. Submitted a Fingerprint Records Check Application to the Department within the 21 calendar days of provisional employment;\*\* \* and

(k) May be hired as a permanent Employee by the Center only if the individual receives a satisfactory Fingerprint Records Check Determination by the Department and meets all other qualifications in these rules.\*\* \*

**(7) Independent Contractors.** A Group Day Care Home may have an independent contractor to offer consistent supplemental educational or physical activities for children in care.

(a) Such an independent contractor is an Employee of the Group Day Care Home for the purpose of these rules and must have a satisfactory Fingerprint Records Check Determination.

(b) Such an independent contractor is exempted from annual training and first-aid/CPR training requirements.

(c) Any independent contractor that does not offer consistent supplemental educational or physical activities for any child in care cannot be solely responsible for any child other than their own and must be under continuous direct supervision of a Director, Employee or Provisional Employee while in the presence of children other than their own.

**(8) Parents.** The Group Day Care Home may have Parents occasionally assist in a classroom, chaperon or accompany a group of children from the Group Day Care Home on a field trip.

(a) A Parent that is this type of occasional assistant is not required to obtain a criminal records check determination; however, an Employee that is also a parent of a child in care at the Group Day Care Home is considered an Employee for purposes of these rules and must have a satisfactory Fingerprint Records Check Determination.

(b) No Parent shall be solely responsible for children other than their own and must be under continuous direct supervision of the Director or a Group Day Care Home Employee while in the presence of children in care other than their own.

**(9) Volunteers.** The Group Day Care Home may have volunteers other than Parents help in a classroom, chaperon or accompany a group of children from the Group Day Care Home on a field trip.

(a) Volunteers age seventeen (17) and older that provide consistent services must have a satisfactory Fingerprint Records Check Determination.

(b) No volunteer shall be solely responsible for children other than their own and must be under continuous direct supervision of the Director or a Group Day Care Home Employee while in the presence of children other than their own.

(c) Such volunteer is exempted from annual training and first-aid/CPR training requirements.

**(10) Students-in-Training.** The Group Day Care Home may have Students-in-Training at the facility.

(a) Students-in-Training age 17 and older must have a satisfactory Fingerprint Records Check Determination.

(b) No Student-In-Training shall be solely responsible for children other than their own and must be under continuous direct supervision of the Director or a Group Day Care Home Employee while in the presence of children in care other than their own.

**(11) Clerical, Housekeeping, Maintenance and Other Support Staff.** The Group Day Care Home may have qualified and sufficient direct-care, clerical, housekeeping, maintenance and other support staff to ensure full compliance with these rules without neglecting the supervision of the children.

(a) Other Staff That May Have Direct Contact With Children in Care. A Group Day Care Home may have additional staff at the Group Day Care Home. Any staff member that has any personal contact with any child in care must:

1. Have a Satisfactory Records Check Determination as defined in these rules; and
2. May be exempted from annual training and first-aid/CPR training requirements.

(b) Other Staff That Must Not Have Direct Contact With Children in Care. The Group Day Care Home may have individuals at the Group Day Care Home to repair and/or maintain the Group Day Care Home while children are in care that have no personal contact with any child in care. These individuals:

1. Must have no contact with children in care;
2. May not be required to obtain a criminal records check determination, unless they have contact with children in care; and
3. May be exempted from annual training and first-aid/CPR training requirements.

**12. First Aid and CPR.** There must always be an Employee with current evidence of first aid training and cardiopulmonary resuscitation on the Group Day Care Home's premises and on any Group Day Care Home sponsored field trip.\*\* \*

(e) **Staff Training.** Prior to assignment to children or task, all Directors, Employees and Provisional Employees hired after the effective date of these rules shall be oriented in accordance with these rules. Directors and Employees continuing to be employed with the Group Day Care Home after the effective date of these rules shall receive the on-going training set forth below in subsection 2.\*\* \*

**1. Orientation.** Orientation shall include instruction in:\*\* \*

(i) The Group Day Care Home's policies and procedures;\*\* \*

(ii) Emergency weather plans;\*\* \*

(iii) The Employee's assigned duties and responsibilities;\*\* \*

(iv) Reporting requirements for suspected cases of child abuse, neglect or deprivation; communicable diseases and serious injuries;\*\* \*

(v) The rules and regulations set forth in Rule 290-2-2-.11, .12, .13, and .14. Such instruction shall require new staff to be generally familiar with the health and safety requirements for caring for the children that are set forth in the specified sections.\*\* \*

(vi) Childhood injury control;\*\*

(vii) The administration of medicine;

(viii) Reducing the risk of Sudden Infant Death Syndrome (SIDS);

(ix) Hand washing;

(x) Fire safety;

(xi) Water safety;

(xii) Prevention of HIV/Aids and blood borne pathogens;

(xiii) Within the first year of employment, all employees hired after the effective date of these rules, who provide any direct care to the children, shall obtain ten (10) clock hours of training or instruction from an accredited school or Department-approved source in child care issues.

Custodial and maintenance personnel or volunteers who provide no direct care to the children do not have to meet this training requirement. At least six (6) of the clock hours must be divided as follows:\*\*

(I) Four (4) clock hours of training in any of the following topics: disease control, cleanliness, basic hygiene, illness detection, illness disposition, childhood injury control or positive discipline techniques;\*\*

(II) Two (2) clock hours of training in identifying, reporting and meeting the needs of abused, neglected or deprived children; and\*\*

(xiv) Within the first year of employment, the Director and the person primarily responsible for food preparation hired after the effective date of these rules shall receive four (4) clock hours of training in food nutrition planning, preparation, serving, proper dish washing and food storage.

**2. Ongoing Training.** Within one (1) year of the effective date of these rules and thereafter on an annual basis, all supervisory and caregiver personnel (regardless of the date of hiring) shall attend ten (10) clock hours of training which is task focused in early childhood education or child

development or subjects relating to job assignment and is offered by an accredited college, university or vocational program or other Department approved source.\*\*

3. **Documentation of Training.** Evidence of orientation and training shall be documented in the personnel file of each staff member, and such documentation shall be available for inspection and provided to Department staff upon request.\*\* \*

(f) **Grouping of Children and Staff: Child Ratios.** The Group Day Care Home must establish groupings of children for care which comply with the staffing ratios and requirements set forth below. Staff, such as the director or service workers (food, maintenance, and clerical, staff etc.), shall be counted in the staff: child ratio only during the time that they are giving full attention to the direct supervision of the children.

Service staff routinely acting as child care workers shall meet the qualifications of the respective caregivers.\*\* \*

1. Employees shall be assigned so that, insofar as possible, children receive care from the same employee each day;\*\* \*

2. Children shall be supervised at all times.\*\* \*

3. Unless otherwise provided in these rules the following staff: child ratios shall be maintained by the Group Day Care Home whenever it is open as of the date specified:\*\* \*

As of the effective date of these rules, the ratios shall be:

| <u>Ages of Children</u>       | <u>Staff: Child</u> |
|-------------------------------|---------------------|
| Birth to 1 1/2 yrs.           | 1:7 *               |
| 1 1/2 yrs. through 2 1/2 yrs. | 1:10 *              |
| 2 1/2 yrs. through school age | 1:12 ** *           |

As of November 1, 1991, the ratios shall be:

| <u>Ages of Children</u>   | <u>Staff: Child</u> |
|---|---------------------|
| Infants less than one (1) year old or children under eighteen (18) months who are not walking | 1:6 *               |
| One (1) year olds who are walking   | 1:8 *               |
| Two (2) year olds   | 1:10 *              |
| Three (3) year olds   | 1:15 *              |
| Four (4) year olds  | 1:18 *              |
| Five (5) year olds  | 1:18 ** *           |
| Six (6) years and older   | 1:18 ** *           |

4. In determining the staff: child ratios for mixed-age groupings:\*\* \*



(i) The age of the youngest child under three (3) years of age shall determine the staff: child ratio for the group in which the child(ren) under three (3) years of age are cared for;\*

(ii) Where all of the children in any one group are three (3) years and older, the age of the majority of the children in the group shall determine the staff: child ratios.\*\* \*

5. During day-time scheduled rest or sleeping periods, the staff: child ratio for any one group may be increased to 1:18 provided that all children in the specific group are over three (3) years of age and that:

(i) The required staff: child ratio is maintained for all other groups of children under three (3) years of age; and

(ii) All staff required by Rule 290-2-1-.09(f)3. relating to staff: child ratios are in the Group Day Care Home and available to assure safe evacuation in an emergency.

6. Staff: child ratios as required in Rule 290-2-1-.09(f)3. shall be maintained during evening and nighttime care except when a majority of the children are sleeping when the ratios may be doubled in those areas where the children are sleeping. However, the staff required by the regular staff: child ratios set forth in Rule 290-2-1-.09(f)3. must be available on the premises of the Group Day Care Home to resume supervision of the children whenever a majority of the children in care in an area are no longer asleep or an emergency situation arises.

(g) **Staffing Requirements for Water-Related Activities.** Whenever the Group Day Care Home chooses to allow the children to participate in water-related activities, such as swimming, fishing, boating or wading, the Group Day Care Home shall determine that the person supervising the children for water-related activities meet the following training requirements, whether or not these persons are employed by the Group Day Care Home.

The Group Day Care Home shall also provide for the following special staff: child ratios during the water-related activity:\*\* \*

1. **Staff and Training Requirements.** There shall be a minimum of one (1) Group Day Care Home staff member on duty directly supervising the children at all times when one (1) or more children are engaged in water-related activities. Where the water is over two (2) feet deep, either the Group Day Care Home staff member or the employee provided by the water facility to supervise the use of the facility by children must have the following:\*\* \*

(i) Current evidence of having completed successfully a training program in lifeguarding offered by a water-safety instructor certified by the American Red Cross or YMCA or YWCA or other recognized standard-setting agency for water safety instruction. However, this advanced life saving training is only required if the children will be in water that is over two (2) feet in depth; and\*\* \*

2. **Staff: Child Ratios for Water-Related Activities.** The Group Day Care Home shall also maintain the following staff: child ratios during any water-related activities:\*\* \*

(i) For water-related activities in water over two (2) feet in depth, the Group Day Care Home staff shall provide continuous supervision of the children in accordance with the following:

**Ages of Children**

**Staff: Child Ratio**

**Under two and one-half**

**1:2 \***

**(2 1/2) years**

**Two and one-half (2 1/2) to four (4) years**

**1:5 \***

**Four (4) years and older who cannot swim  
a distance of fifteen (15) yards unassisted**

**1:6 \*\* \***

**Four (4) yrs. and older who can swim  
a distance of fifteen yards unassisted**

**1:15 \*\* \***

In lieu of requiring each child to take a swimming test to determine whether the child can swim a distance of fifteen (15) yards unassisted, Group Day Care Home staff may accept copies of certificates or cards from a recognized water safety instruction organization showing that the child has successfully completed a swimming class which required the child to swim a distance of fifteen (15) yards unassisted.

(ii) For water-related activities in water that is less than two (2) feet deep throughout, such as a self-contained wading pool less than two (2) feet in depth, continuous supervision must be provided by Group Day Care Home staff in accordance with the staff:child ratio set forth in Rule 290-2-1-.09(f)3. \*\* \*

(I) The wading pool shall be cleaned and filled with clean water for each day's usage and emptied when not in use. \*\* \*

(iii) At least one (1) additional staff member above the required staff: child ratio for water-related activities set forth in paragraphs (i) and (ii) shall be available to rotate among the groups as needed when any of the following circumstances are present: \*\* \*

(I) When the majority of the children in a group are not accustomed to, or are afraid of the water; \*\* \*

(II) The majority of the children in a group are comprised of children who cannot swim a distance of 15 yards unassisted, cannot touch the bottom of the water-facility without submerging their heads; \*\* \*

(III) The water-facility is particularly crowded; or \*\* \*

(IV) The children have special needs which impact on their ability to participate safely in the water-related activity.

**(h) Staffing Requirements for Transporting Children.** Whenever the Group Day Care Home transports children for any reason, the driver of the vehicle shall be at least eighteen (18) years of age and possess a valid driver's license as required for the class of vehicle that the driver will be operating for the Group Day Care Home; and \*\* \*

1. Either the driver or another staff person present on the vehicle must have current evidence of successful completion of a biennial training program in cardiopulmonary resuscitation (CPR) and a triennial training program in first aid offered by certified or licensed health care professionals and which dealt with the provision of emergency care to infants and children; and \*\* \*

2. When transporting children, the Group Day Care Home shall provide: \*\* \*

(i) A minimum of two (2) staff members (the driver and non-driver) in the following situations: \*\* \*

(I) When three (3) or more children under three (3) years of age are transported; or \*

(II) When seven (7) or more children under five (5) years of age occupy the vehicle; or \*

(III) When eighteen (18) or more children five (5) years of age and older occupy the vehicle; and \*\* \*

(ii) A third employee, who is at least eighteen (18) years of age, shall be provided in the vehicle when transporting children in the following situations: \*\* \*

(I) When more than eight (8) children under three (3) years of age occupy the vehicle.\*

**290-2-1-.10 Record Keeping and Reporting.**

The following records shall be maintained on file at each Group Day Care Home subject to the exceptions listed herein. The records shall be maintained in an organized manner and shall be accessible to the Department:\*\* \*

(a) **Records on Director, Employees and Provisional Employees.** The file for each Director, Employee and Provisional Employee shall be available to the Department for the duration of the term of employment plus one year, and it shall contain the following: \*\* \*

1. Identifying information to include:\*\* \*

(i) Name; \*\* \*

(ii) Date of Birth;\*\* \*

(iii) Social Security number; \*\* \*

(iv) Current address; and\*\* \*

(v) Current telephone numbers; \*\* \*

2. Employment history; \*\* \*

3. Evidence of the following as applicable to the position held:\*\* \*

(i) Education;\*\* \*

(ii) Verification of Satisfactory Records Check Determination; \*\* \*

(iii) Qualifying work experience; and \*\* \*

(iv) Orientation, where there is more than one (1) full-time staff member or a Provisional Employee. The records on orientation shall include the following:\*\* \*

(I) Date of orientation;\*\* \*

(II) Description of orientation; \*\* \*

(III) Signature of the person or a representative of the organization providing the training; and\*\* \*

(IV) Signature of the person receiving the training; \*\* \*

4. Evidence of all training required by these rules which shall include:\*\* \*

(i) Title of Training; \*\*

(ii) Date of training; \*\*

(iii) Trainer's signature; \*\*

(iv) Location of training; and \*\*

(v) Number of clock hours obtained;\*\*

5. Verification of a satisfactory criminal records check determination;\*\* \*

6. Daily attendance records or other employee payroll records for the employee for the preceding six (6) month period, which may be stored away from the Group Day Care Home provided that the home notifies the Department of its intention to store these records offsite, provides the Department with the name, address and phone number of the custodian of these records and allows the Department, in its discretion, to have access to these records at the custodian's location immediately or access at the home within seven (7) business days of a Department representative's request.

The Department may, in its discretion, accept photocopies of the requested records which are provided within seven (7) business days of the Department representative's request for the same; and \*\*

7. Statement completed by the staff member or other documentation regarding qualifications.\*\* \*

(b) **Records on Children.** A Group Day Care Home must maintain a file for each child while such child is in care at the Group Day Care Home and for a period of one (1) year after such

child is no longer in care at the Group Day Care Home. The file shall be accessible to the Department and shall contain the following:\*\*

1. Identifying information about the child to include: name, date of birth, sex, address, living arrangement if not with both parents and name of school, if any, and name of guardian, if applicable;\*\*

2. Identifying information about the parents or guardian to include: names of both parents, name of guardian, if applicable, home and work addresses and home and work telephone numbers;\*\*

3. Name(s) and addresses of the person(s) to whom the child can be released. Such information shall contain the authorized person's address, telephone numbers, relationship to child and to parent or guardian, and other identifying information;\*\*

4. Identifying information about the person(s) to contact in emergencies when the parent or guardian cannot be reached to include: name(s), addresses, telephone number(s), relationship to child and to parent or guardian, and other identifying information;\*\*

5. Signed agreement between the holder of the License or Commission or a person designated by the holder and the parent or guardian to include:\*\*

(i) Description of general services to be provided by the Group Day Care Home to the child including whether the home is providing meals and snacks; \*\*

(ii) Identification of the child's primary source of health care to include:\*\*

(I) Physician's or clinic's name; and\*\*

(II) Telephone number;\*\*

(iii) Authorization for obtaining emergency medical care for the child when the parent or guardian is not available;\*\*

(iv) Statement regarding known allergies or other physical problems, mental health disorders, mental retardation or developmental disabilities which would limit the child's participation in the Group Day Care Home's program and activities;\*\*

(v) Description of any special procedures to be followed in caring for the child, including any special services which the Group Day Care Home agrees to provide to a child with special needs;\*\*

(vi) A description of the information that will be required of the parent or guardian before the Group Day Care Home will dispense any medication in accordance with Rule 290-2-1-

.11(e)10.(i) through (iii) (medication shall be in the original labeled container; medication container shall be labeled with child's full name; and medicines which are no longer dispensed shall be returned to the child's parent or guardian immediately) and the parent's or guardian's acknowledgement that he or she will provide all of the necessary information. The authorization will include when applicable:\*\*

(I) Date;\*\*

(II) Full name of the child; \*

(III) Name of medication;\*\*

(IV) Prescription number, if any;\*\*

(V) Dosage; \* \*

(VI) The dates to be given;\*\*

(VII) The time of day medication is to be dispensed;\*\*

(VIII) Signature of parent or guardian;\*\*

(IX) Verification that medication was dispensed according to parent's or guardian's authorization, including the signature of staff member who dispensed the medication; \*\*

(vii) Parent's or guardian's acknowledgment of the following:\*\*

(I) That when the parent, guardian or persons authorized by the parent or guardian, picks up or drops off the child at the Group Day Care Home, he or she will not allow the child to enter or

leave the Group Day Care Home without being escorted and that the Group Day Care Home will not permit the child to enter or exit the Group Day Care Home without an escort; \*\*

(II) That the parent, guardian, or person authorized by the parent or guardian to drop off and pick up the child, will sign the child in and out of the Group Day Care Home each day and this documentation will at a minimum include the date, the times of arrival and departure, and the initials of the parent, guardian or authorized person who drops off and picks up the child;

(III) That the parent or guardian is responsible for keeping the Group Day Care Home advised of any significant changes as the changes occur in the information that the parent or guardian provided at the time of enrollment concerning phone numbers, work locations, emergency contacts, family physician, etc.; and\*\*

(IV) That where a school-age Group Day Care Home does not agree to provide routine meals and/or snacks, as appropriate for the children, the parent or guardian agrees that he or she shall provide the child with nutritious meals and snacks daily as appropriate;\*\*

6. Documentation of incidents requiring professional medical attention, other than simple first aid performed by Group Day Care Home staff to include:\*\*

(i) Child's name; \*\*

(ii) Type of illness or injury; \*\*

(iii) Date of illness or injury;\*\*

(iv) How injury or illness occurred;\*\*

(v) Staff present;\*\*

(vi) Method of notifying parent or guardian; and\*\*

(vii) Services provided to the child;\*\*

7. Written parental or guardian authorization for the child to participate in field trips, special activities away from the Group Day Care Home and water-related activities occurring in water that is more than two (2) feet deep if the Group Day Care Home participates in any such activities;\*\*

8. Written parental or guardian authorization if the Group Day Care Home is to provide routine transportation for the child to or from school, home or Group Day Care Home. The authorization shall specify the following: \*\*

(i) Routine pick up location;\*\*

(ii) Routine pick up time;\*\*

(iii) Routine delivery location; \*\*

(iv) Routine delivery time; and \*\*

(v) Name of any person authorized to receive the child; and the procedure to be followed if the authorized person is not present at the drop-off site to receive the child; \*\*

9. Evidence of age-appropriate immunizations or a signed affidavit against such immunizations shall be maintained for each child enrolled in the Group Day Care Home on a form provided by the Department;\*\*

(i) No child shall continue enrollment in the Group Day Care Home for more than thirty (30) days without such evidence; \*\*

10. The child's daily arrival and departure records for the twelve (12) preceding months which shall be maintained, but need not be filed, in each child's record. The parent, guardian, or person authorized by the parent or guardian to drop off and pick up the child will document, in written or electronic format, each time the parent, guardian or authorized person drops off and picks up the child. The Group Day Care Home shall ensure that children are only released to authorized persons, and Group Day Care Home staff shall take necessary steps to determine that any such person presenting to pick up a child in care is authorized by the parent or guardian of the child and that person matches the identifying information provided by the parent or guardian.

(i) The documentation shall include at least the following information: the date, the child's name, the arrival and departure times, and the signature or initials of the parent, guardian or authorized person at the time of arrival and departure.

(ii) These records shall be made available to the Department in printed or written form upon request.

11. The child's daily attendance records for the twelve (12) preceding months which must be maintained, but need not be filed in each child's record and which shall be made available to the Department in written or printed form upon request; and\*\*

12. Transportation checklists which need not be filed in each child's record. \*\*

(c) **Required Reports.** The Director or designated person-in-charge shall report or cause to be reported the following:\*\*

1. **Child Abuse, Neglect or Deprivation.** Whenever there is reasonable cause to believe that a child has been physically injured or has suffered death by a parent or caretaker by other than accidental means; provided, however, that physical forms of discipline need not be reported where the same does not result in injury to the child; or a child has been neglected, exploited or deprived or sexually assaulted or sexually exploited. Sexual exploitation occurs when a parent or caretaker allows, permits, encourages or requires a child to engage in prostitution or other sexually explicit conduct for the purpose of producing any visual or print medium depicting such conduct as defined in O.C.G.A. Sec. 16-12-100. Any suspected incident of child abuse, neglect or deprivation shall be reported to the local County Department of Family and Children services in accordance with O.C.G.A. Sec. 19-7-5.\*\*

2. **Communicable Diseases.** Any cases or suspected cases of notifiable communicable diseases shall be reported to the local county health department as required by the rules regarding Notification of Disease, Chapter 290-5-3.\*\*

3. **Death, Serious Injury or Emergency Situation.** Within twenty-four (24) hours or the next work day, the following incidents must be reported to the Department:\*\*

(i) Any death of a child while in the care of the Group Day Care Home;\*\*

(ii) Any serious illness or injury requiring hospitalization or professional medical attention other than first aid of a child while in the care of the Group Day Care Home;\*\*

(iii) Any fire; \*\*

(iv) Any structural disaster; \*\*

(v) Any emergency situation that requires temporarily relocating children; and\*\*

(vi) Any situation when a child in care becomes missing, such as, but not limited to, a child who is left on a vehicle, a child who leaves the building, playground, or property, or a child who is left behind on any trip,

(d) **Criminal Record.** The Director must report the name of any Personnel, Employee or Provisional Employee who acquires a Criminal Record as defined in these rules, if the director knows, or reasonably should know, of that person's arrest or change in the Satisfactory Records Check Determination. \*\*

(e) **Annual Reports.** Within forty-five (45) days of the Group Day Care Home's receipt of an annual report form from the Department, the Director shall submit to the Department a complete annual report on the form provided. The annual report may be used in determining licensure requirements. \*\*

Authority: O.C.G.A. § 20-1A-1 *et seq.*

## **290-2-1-.20 Criminal Records Check.**

### **(1) Satisfactory Records Check Determination Required**

(a) The Group Day Care Home shall ensure that the Director, every Employee and every Provisional Employee of the Group Day Care Home has a satisfactory criminal records check determination.

(b) The satisfactory determination must be made before the individual can begin work or is allowed to reside in the Group Day Care Home; and

(c) The Group Day Care Home must ensure that no Director, Employee or Provisional Employee of the Group Day Care Home with an Unsatisfactory Records Check Determination resides at the Group Day Care Home.

**(2) Records Check Requirements for Directors**

(a) Type of Records Check. The Director is required to have a fingerprint-based criminal records check determination by the Department.

(b) Records Check Determination Process. In order for the Department to issue a Satisfactory or Unsatisfactory Records Check Determination, the Director must submit the following:

1. A completed Fingerprint Records Check Application to the Department; and
2. Fingerprints to an authorized fingerprint processing site.

(c) Evidence of Satisfactory Records Check Determination Required. The Director must have sufficient evidence that the Director has a Satisfactory Records Check Determination issued by the Department that is on file at the Group Day Care Home and immediately available to the Department upon request. Sufficient evidence must be either:

1. A current satisfactory determination letter issued by the Department for the Director; or
2. A valid court order indicating that an unsatisfactory determination made by the Department for the Director has been reversed.

(d) Recheck Required. A new Fingerprint Records Check Determination is required in the following circumstances:

1. Beginning January 1, 2019, each Director that has a Satisfactory Records Check Determination issued on or before January 1, 2014, must obtain a new Fingerprint Records Check Determination by January 1, 2019 and must obtain a new satisfactory Fingerprint Records Check Determination at least every five years thereafter;
2. Beginning January 1, 2019, each Director must have a satisfactory Fingerprint Records Check Determination on file that has been issued within the past five years;
3. A Director must seek a new Fingerprint Records Check Determination if the Director has a Criminal Record as defined in these rules, has been arrested or charged for any covered Crime as defined in these rules, or has a satisfactory criminal record status that has changed; and
4. A Director must seek a new Fingerprint Records Check Determination if the Department so requests.

(e) Penalty. Failure to adhere to this rule shall result in revocation of the Group Day Care Home License or Commission.

**(3) Records Check Requirements for Employees Hired before January 1, 2014.**

(a) Type of Records Check. All Employees hired before January 1, 2014 must have:

1. Before January 1, 2017, either a Preliminary Records Check Determination or a fingerprint-based criminal records check determination by the Department; and
2. As of January 1, 2017, a fingerprint-based criminal records check determination by the Department.

(b) Records Check Determination Process.

1. For Employees hired before January 1, 2014 that have a preliminary criminal records check, a Group Day Care Home must have reviewed current GCIC-based criminal history information (such as that on a RAP sheet) obtained from local law enforcement and determined that the Employee does not have a Criminal Record as defined in these rules.

2. For Employees hired before January 1, 2014 to have a fingerprint-based criminal records check determination, the Group Day Care Home must ensure that the following is submitted for each Employee:

- (i) A completed Fingerprint Records Check Application to the Department; and
- (ii) Fingerprints to an authorized fingerprint processing site.

(c) Evidence of Satisfactory Records Check Determination Required. The Group Day Care Home must have sufficient evidence that every Employee hired before January 1, 2014 has a satisfactory criminal records check determination on file and immediately available to the Department upon request. Sufficient evidence must be one of the following:

- 1. A current satisfactory determination letter issued by the Department for the Employee; or
- 2. A valid court order indicating that an unsatisfactory determination made by the Department for the Employee has been reversed; or
- 3. If prior to January 1, 2017 a satisfactory Preliminary Records Check Determination.

(d) Portability. A Group Day Care Home may accept a satisfactory determination letter provided by a potential Employee which was issued by the Department as sufficient evidence of that individual's satisfactory criminal records check determination if;

- 1. The determination letter was issued by the Department within the immediate preceding 12 months from the hire date; and
- 2. The Group Day Care Home does not know or reasonably should not know that the individual's satisfactory status has changed.

(e) Recheck Required. A new Fingerprint Records Check Determination for Employees hired before January 1, 2014 is required in the following circumstances:

- 1. Beginning January 1, 2019, each Employee that remains employed at a Group Day Care Home and has a Satisfactory Records Check Determination issued on or before January 1, 2014, must obtain a new Fingerprint Records Check Determination by January 1, 2019 and must obtain a new satisfactory Fingerprint Records Check Determination at least every five years thereafter;
- 2. Beginning January 1, 2019, each Employee must have a satisfactory Fingerprint Records Check Determination on file that has been issued within the past five years;
- 3. A Group Day Care Home must seek a new Fingerprint Records Check Determination if the Director knows or reasonably should know that an Employee has a Criminal Record as defined in these rules, has been arrested or charged for any covered Crime as defined in these rules, or has a satisfactory criminal record status that has changed; and
- 4. A Group Day Care Home must seek a new Fingerprint Records Check Determination for an Employee if the Department so requests.

(f) Penalty. Failure to adhere to this rule shall result in revocation of the Group Day Care Home License or Commission.

**(4) Records Check Requirements for Employees Hired On or After January 1, 2014.**

(a) Type of Records Check. All Employees hired on or after January 1, 2014 must have a fingerprint-based criminal records check determination by the Department.

(b) Records Check Determination Process. In order for the Department to issue a Satisfactory or Unsatisfactory Records Check Determination, the Group Day Care Home must ensure that the following is submitted for each potential Employee hired on or after January 1, 2014:

- 1. A completed Fingerprint Records Check Application to the Department; and
- 2. Fingerprints to an authorized fingerprint processing site.

(c) Evidence of Satisfactory Records Check Determination Required. The Group Day Care Home must have sufficient evidence that every Employee hired on or after January 1, 2014 has a satisfactory Fingerprint Records Check Determination on file and immediately available to the Department upon request. Sufficient evidence must be either:

- 1. A current satisfactory determination letter issued by the Department for the Employee; or



2. A valid court order indicating that an unsatisfactory determination made by the Department for the Employee has been reversed.

(d) Portability. A Group Day Care Home may accept a satisfactory determination letter provided by a potential Employee which was issued by the Department as sufficient evidence of that individual's satisfactory criminal records check determination if:

1. The determination letter was issued by the Department within the immediate preceding 12 months from the hire date; and

2. The Group Day Care Home does not know or reasonably should not know that the individual's satisfactory status has changed.

(e) Recheck Required. A new Fingerprint Records Check Determination for Employees hired on or after January 1, 2014 is required in the following circumstances:

1. Beginning January 1, 2019, each Employee that remains employed at a Group Day Care Home and has a Satisfactory Records Check Determination issued on or before January 1, 2014, must obtain a new Fingerprint Records Check Determination by January 1, 2019 and must obtain a new satisfactory Fingerprint Records Check Determination at least every five years thereafter;

2. Beginning January 1, 2019, each Employee must have a satisfactory Fingerprint Records Check Determination on file that has been issued within the past five years;

3. A Group Day Care Home must seek a new Fingerprint Records Check Determination if the Home knows or reasonably should know that an Employee has a Criminal Record as defined in these rules, has been arrested or charged for any covered Crime as defined in these rules, or has a satisfactory criminal record status that has changed; and

4. A Group Day Care Home must seek a new Fingerprint Records Check Determination if the Department so requests.

(f) Penalty. Failure to adhere to this rule shall result in revocation of the Group Day Care Home License or Commission.

#### **(5) Records Check Requirements for Provisional Employees**

(a) Type of Records Check. All Provisional Employees hired on or after January 1, 2014 must have a satisfactory Preliminary Records Check Determination.

(b) Records Check Determination Process.

1. As of January 1, 2014, before a Provisional Employee can be hired, a Group Day Care Home must make a Preliminary Records Check Determination for that person.

2. A satisfactory Preliminary Records Check Determination requires a Group Day Care Home to review current GCIC-based criminal history information (such as that on a RAP sheet) obtained from local law enforcement that was issued within the immediate preceding 10 days of the hire date and make a written statement or declaration that the Provisional Employee does not have a Criminal Record as defined in these rules.

3. For a Provisional Employee to become a permanent Employee, the individual must have a satisfactory Fingerprint Records Check Determination. Within the first 21 calendar days of provisional employment, the Group Day Care Home must ensure that the following is submitted for every Provisional Employee that the Group Day Care Home wishes to hire as a permanent Employee:

(i) A completed Fingerprint Records Check Application to the Department; and

(ii) Fingerprints to an authorized fingerprint processing site.

(c) Evidence of Satisfactory Records Check Determination Required. The Group Day Care Home must have sufficient evidence that every Provisional Employee hired has a satisfactory Preliminary Records Check Determination. Sufficient evidence must:

1. Be on file;

2. Be immediately available to the Department upon request;

3. Include a written declaration or statement from the Group Day Care Home verifying that the Provisional Employee has a satisfactory Preliminary Criminal Records Check Determination; and

4. Include either:

(i) Current GCIC-based criminal history information (such as that on a RAP sheet) obtained from local law enforcement that was issued within the immediate preceding 10 days of the hire date indicating that the Provisional Employee does not have a Criminal Record as defined in these rules; or

(ii) A valid court order indicating that an unsatisfactory determination has been reversed.

(d) Portability. A Preliminary Records Check Determination rendered by a Group Day Care Home is not portable; however, GCIC-based criminal history information (such as that on a RAP sheet) obtained from local law enforcement can be used by more than one child care program so long as it was issued within the immediate preceding 10 days of the hire date.

(e) Penalty. Failure to adhere to this rule may result in revocation of the Group Day Care Home License or Commission.

Authority: O.C.G.A. § 20-1A-1 *et seq.*